



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Middle Road Trust
C/o Mr. Gerald Holmberg, Trustee
P.O. Box 1491
Wolfeboro, New Hampshire 03894

LETTER OF DEFICIENCY
WD WQE 04-06
May 28, 2004

Re: Access road, gravel pit and loam processing area located between
Route 109A and Sandy Knoll Road, Tuftonboro, New Hampshire
Lot 2-7, Town of Tuftonboro Tax Map 66

Dear Mr. Holmberg:

On May 14 and 20, 2004, personnel from the Department of Environmental Services ("DES") conducted inspections on the subject property. The purpose of these inspections was to determine compliance with RSA 485-A:17 and applicable rules promulgated pursuant thereto. During the inspections, the following deficiencies were documented:

1. Alteration of terrain for an access road, gravel pit and loam processing area had occurred on the Property. The disturbance for these activities exceeded 100,000 square feet.
2. Alteration of terrain that will exceed 100,000 square feet requires a Site Specific Permit ("Permit") prior to commencement of the activities. DES has no record that a Permit was issued for the subject disturbance.

DES believes that the cited deficiencies can be resolved by:

1. Submitting a complete Permit(s) application package for the gravel pit and associated activities and/or site development to DES by July 6, 2004; and
2. Obtaining a Permit(s) **prior** to performing additional alteration of terrain associated with the gravel pit, and/or site development.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against the Property.

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All documents submitted in response to the Letter of Deficiency should be addressed as follows

Department of Environmental Services
Water Division
29 Hazen Drive
Concord, NH 03302-0095

Attn.: Denise M. Frappier, Site Specific Program

Should you have any questions regarding this letter, please contact Denise Frappier at 466-5910 or dfrappier@des.state.nh.us.

Very truly yours,


Ridgely Mauck, PE

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CERTIFIED MAIL, RRR: 7099 3400 0003 0688 0153

cc: Gretchen R. Hamel, Legal Unit Administrator
Russell A. Nylander, PE - WD/DES
Denise M. Frappier - WQE/WD/DES
Tuftonboro Board of Selectmen